

Applicant: Santiago
Serial No.: 10/774,705

PATENT
Atty Docket: 1506-319

REMARKS

This Amendment is filed in response to the Official Action mailed January 12, 2005. In this Amendment, claims 23-26, 34-36, and 38 are amended, claims 40-61 are added and claims 37 and 39 are unchanged. Of these claims, claims 23, 34, 38, 40, 43, 46, 49, 52, and 57 are independent. Following entry of this amendment, claims 23-26 and 34-61 shall be pending.

In the Office Action, claims 23-26 are objected to because of informalities, claims 23-26 are rejected because of indefiniteness and claims 23-26, 34 and 37-39 have been rejected based on prior art grounds. Claims 35 and 36 are objected to for being based on a rejected base claim but have been indicated as allowable if rewritten in independent form. The applicants hereby request reconsideration of these claims in view of the reasons set forth below.

I. CLAIM OBJECTION

The Examiner objected to claims 23 and 24 as reciting the term "angularly moveable arc stop". This term has been amended in both claims to recite an "angularly moveable arc stop member".

The Examiner objected to claim 25 as reciting the term of "arc stop". This claim has been amended to instead recite an "arc stop assembly". Note that claim 25 has been further amended to correct the mistaken use of the term "radial" to the originally intended term of "vertical".

The Examiner objected to claim 26 as reciting the term "fixed arc stop". However, this term was not changed in order to correct the rejection under 35 USC Section 112, as discussed in the next section.

II. REJECTIONS UNDER 35 U.S.C. SECTION 112

The Examiner rejected claims 23-26 under U.S.C. Section 112, second paragraph because he is uncertain as to what is meant by "angularly fixed". For

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purposes solely to expedite prosecution of this application, "angularly fixed arc stop member" has been amended in claims 23-26 to "fixed arc stop member".

The Examiner also objected to the use of the term "a sprinkler stop" in claim 26 as being inconsistent with the specification. To provide better consistency of terms in accordance with the Examiner's rejection, claim 26 has been amended to include the term "trip arm" as used, for example, in the specification with respect to element number 186.

In view of the foregoing, it is submitted that any indefiniteness that may have been present in the claims has now been removed and the applicant now submits that the rejections should be withdrawn.

III. ALLOWABLE SUBJECT MATTER

The Examiner has indicated that claims 35 and 36 would be allowable if written in an independent form. To this end, the Applicant has added new claims incorporating the subject matter of claims 35 and 36 as described below. Therefore, these new claims 40-54 are believed to be allowable.

Claim 40 incorporates the allowable subject matter of claim 35 into the subject matter of independent claim 23. Claims 41 and 42 depend from claim 40, and correspond to the subject matter of claims 25 and 26, respectively. Hence for at least the above reasons, it is submitted that the dependant claims are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

Claim 43 incorporates the allowable subject matter of claim 36 into the subject matter of independent claim 23. Claims 44 and 45 depend from claim 43, and correspond to the subject matter of claims 24 and 25, respectively. Hence for at least the above reasons, it is submitted that the dependant claims are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

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Claim 46 incorporates the allowable subject matter of claim 35 into the subject matter of independent claim 34. Claims 47 and 48 depend from claim 46, and correspond to the subject matter of claims 36 and 37, respectively. Hence for at least the above reasons, it is submitted that the dependant claims are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

Claim 49 incorporates the allowable subject matter of claim 36 into the subject matter of independent claim 34. Claims 50 and 51 depend from claim 49, and correspond to the subject matter of claims 35 and 37, respectively. Hence for at least the above reasons, it is submitted that the dependant claims are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

Claim 52 incorporates the allowable subject matter of claim 35 into the subject matter of independent claim 38. Claim 53 depends from claim 52, and corresponds to the subject matter of claim 39. Additionally, claims 54-56 have also been added to depend from claim 52. Hence for at least the above reasons, it is submitted that the dependant claims are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

Claim 57 incorporates the allowable subject matter of claim 36 into the subject matter of independent claim 57. Claim 58 depends from claim 57, and corresponds to the subject matter of claim 39. Additionally, claims 59-61 have also been added to depend from claim 57. Hence for at least the above reasons, it is submitted that the dependant claims are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

In summary, all independent claims presented in this application include the subject matter of claim 35, i.e. claims 40, 46, and 52, or claim 36, i.e. claims 42, 46, and 57. In this respect, all claims present in this application include the subject matter

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indicated as allowable in the Official Action. Accordingly, the Applicant requests allowance of the above indicated claims.

IV. REJECTIONS UNDER 35 U.S.C. SECTION 102

Claims 23-26, 34 and 37-39 have been rejected by the Examiner under 35 U.S.C. section 102(b) as being anticipated by U.S. Patent No. 4,540,125 to *Gomey*. No secondary references were discussed by the Examiner in conjunction with the *Gomey patent*. For the reasons set forth below, this rejection is hereby traversed.

The presently claimed invention as set forth in claim 23 is directed to a novel adjustable arc sprinkler mechanism that includes a combination of an upper rotatable housing, a lower stationary housing and an arc stop assembly. It also includes a plurality of mating gear teeth disposed on said rotatable sprinkler housing and said arc stop assembly, said plurality of mating gear teeth being selectively engagable. The *Gomey patent* cannot be properly relied upon as anticipating the invention as recited in claim 23. For example, the *Gomey patent* fails at least to show mating gear teeth on a rotatable sprinler housing and said arc stop assembly as now claimed. Thus, for at least this reason, the *Gomey patent* fails to anticipate claim 23. It is also submitted that the *Gomey patent* does not render the invention obvious. Hence for at least the above reasons, it is submitted that the dependant claims are also novel and unobvious over the cited prior art.

Turning to claims 24-26, these claims depend from claim 23 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

The presently claimed invention as set forth in claim 34 is directed to a novel adjustable arc sprinkler mechanism that includes a combination of a rotating portion, a stationary portion and an arc adjustment mechanism. It also includes a rotating portion including a first set of gear teeth and an arc adjustment mechanism including a second set of gear teeth selectively engagable with said first set of gear teeth. The *Gomey patent* cannot be properly relied upon as anticipating the invention as recited in claim

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34. For example, the *Gomey patent* fails at least to show a rotating portion including a first set of gear teeth and an arc adjustment mechanism including a second set of gear teeth selectively engagable with said first set of gear teeth. Thus, for at least this reason, the *Gomey patent* fails to anticipate claim 34. It is also submitted that the *Gomey patent* does not render the invention obvious. Hence for at least the above reasons, it is submitted that the dependant claims are also novel and unobvious over the cited prior art.

Turning to claim 37, this claim depends from claim 34 and thus for at least the above reasons is also novel and unobvious over the cited prior art. However, this claim further limits the claimed invention and thus is separately patentable over the cited prior art.

The presently claimed invention as set forth in claim 38 is directed to a method of establishing full circle operation of an adjustable arc sprinkler mechanism. It includes disengaging an arc adjustment section from a rotating section without changing the overall height of said adjustable arc sprinkler mechanism by decoupling a geared engagement between said arc adjustment section and said rotating section. The *Gomey patent* cannot be properly relied upon as anticipating the invention as recited in claim 38. For example, the *Gomey patent* at least fails to show disengaging an arc adjustment section from a rotating section without changing the overall height of said adjustable arc sprinkler mechanism by decoupling a geared engagement between said arc adjustment section and said rotating section. Thus, for at least this reason, the *Gomey patent* fails to anticipate claim 38. It is also submitted that the *Gomey patent* does not render the invention obvious. Hence for at least the above reasons, it is submitted that the dependant claims are also novel and unobvious over the cited prior art.

Moving next to claim 37, this claim depends from claim 38 and thus for at least the above reasons is also novel and unobvious over the cited prior art. However, this claim further limits the claimed invention and thus is separately patentable over the cited prior art.

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CONCLUSION

In view of the foregoing, it is submitted that pending claims 23-26, 34-61 are now in condition for allowance. Hence an indication of allowability is hereby requested.

If for any reason direct communication with Applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is cordially urged to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

Dated: April 12, 2005



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